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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/788,473	03/01/2004	Juergen Bieber	Q79410	9022

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SUGHRUE MION, PLLC
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WASHINGTON, DC 20037

EXAMINER

CHANG, SUNRAY

ART UNIT	PAPER NUMBER
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2121

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/15/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/788,473	BIEBER, JUERGEN	
	Examiner	Art Unit	
	Sunray Chang	2121	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in responsive to the paper filed on November 9th, 2006.

Claims 1 – 15 are presented for examination.

Claims 1 – 15 are rejected.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 1, 2 and 6 are rejected** under 35 U.S.C. 102(b) as being anticipated by Robert J. Kretschmann (U.S. Patent No. 6,167,464, and referred to as **Kretschmann** hereinafter).

Regarding independent claim 1, Kretschmann teaches,

- A method of displaying a video signal on the display of a mobile display device, [a number of programs that may be invoked to provide data and communicate with a portable HMI to display particular I/O data of I/O table or particular portions of the control program, Col. 5, lines 45 – 50] comprising:
- transmitting a signal which identifies an installation part of an industrial installation by a transmitter of the installation part; [location information, Col. 6, lines 1 – 3; location signal changes and the data and program which it executes changes accordingly, Abstract]

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- receiving the transmitted signal by a receiver of the mobile display device; [location information is received by the second antenna and the tag reader of the portable HMI, Col. 6, lines 1 – 3]
- automatically relaying the received signal, or a transmission signal derived from the received signal, by the mobile display device to an analysis station; [relayed via bus to microprocessor ... relays information to central processor, Col. 6, lines 1 – 6; further Col. 4, lines 44 – 50 and 51 – 54]
- the analysis station automatically transmitting information pertaining to the installation part to the mobile display device; [solutions are transmitted to the HMI, Col. 5, lines 4 – 6; a number of programs that maybe invoked to provide data to a portable HMI to display particular I/O data of the control program, Col. 5, lines 45 – 49] and
- automatically displaying a video signal corresponding to the information pertaining to the installation part on the display of the mobile display device. [a number of programs that maybe invoked to provide data to a portable HMI to display particular I/O data of the control program, Col. 5, lines 45 – 49]

Regarding dependent claim 2, Kretschmann teaches,

The method as claimed in claim 1, wherein

- the signal identifying the installation part comprises a radio signal, and the radio signal is transmitted as a constant pulsating signal. [Col. 4, lines 53 – 54 and Col. 6, lines 1 – 3]

Regarding dependent claim 6, Kretschmann teaches,

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The method as claimed in claim 1, wherein

- an analysis station pertaining to the installation part transmitting the signal is determined in the mobile display device on the basis of the received signal, and the received signal, or a transmission signal derived from the received signal, is relayed to the analysis station thus determined. [Col. 5, lines 45 – 56]

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
 2. Ascertaining the differences between the prior art and the claims at issue.
 3. Resolving the level of ordinary skill in the pertinent art.
 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
3. **claims 3 and 10 are rejected** under 35 U.S.C. 103(a) as being unpatentable over **Kretschmann**, and in view of Jeffrey A. Brannan (U.S. Patent No. 5,879,092 and referred to as **Brannan** hereinafter).

(**Kretschmann** as set forth above generally discloses the basic inventions.)

Regarding dependent claims 3 and 10,

Kretschmann teaches a radio signal, and the radio signal is transmitted from the installation part.

Kretschmann does not teach the radio signal is transmitted only when there is a problem.

Brannan teaches the radio signal is transmitted only when there is a problem, for the purpose of indicating fault conditions [Abstract].

It would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify the teaching of **Kretschmann** to include "the radio signal is transmitted only when there is a problem", for the purpose of indicating fault conditions [Abstract].

4. **Claims 4, 5, 12 and 13 are rejected** under 35 U.S.C. 103(a) as being unpatentable over **Kretschmann**, in view of **Brannan**, and further in view of Marcus Escobosa (U.S. Patent No. 5,963,145 and referred to as **Escobosa** hereinafter).

Regarding dependent Claims 4, 5, 12 and 13,

Kretschmann teaches reception of signals transmitted by transmitters in different installation parts. [Fig. 1 and 2]

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Brannan teaches priority for prioritizing assigning signals. [Only the most severe paper jams that trigger signals indicating a malfunction in other components are generally detected by existing automated teller machines, Col. 2, lines 7 – 21]

Escobosa teaches selecting equipment to receive and assign signals [Abstract], for the purpose of providing wireless pointer control, [Abstract]

It would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify the teaching of **Kretschmann** to include the teaches of **Brannan** and **Escobosa** for the purpose of providing wireless pointer control.

5. Claims 7 – 9, 11, 14 and 15 have been considered and examined, yet, have been rejected with the same reasons indicated above.

Response to Amendment

Claim Rejections - 35 USC § 102 & 103

6. Applicants provide translation of the prior art by filing affidavit, and the examiner's prior art, "**Chang**", has been disqualified, yet, a new set of rejections have been cited based on new references cited by the examiner.

7. The indications for "priority" and "address changing" in forth office action have been cancelled.

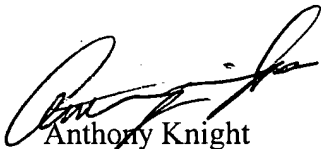
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Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sunray Chang who may be reached Monday through Friday, between 8:00 a.m. and 5:00 p.m. EST. via telephone number (571) 272-3682 or facsimile transmission (571) 273-3682 or email sunray.chang@uspto.gov.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached on (571) 272-3687.

The official facsimile transmission number for the organization where this application or proceeding is assigned is (571) 273-8300.



Anthony Knight
Supervisory Primary Examiner
Group Art Unit 2121
Technology Center 2100
U.S. Patent and Trademark Office

February 6, 2007